

July 30, 2024

VIA ECF

Magistrate Judge Joseph A. Marutollo  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Courtroom N324  
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,  
No. 1:05-MD-1720 (MKB)(JAM)

Dear Judge Marutollo:

Following submission of Rule 23(b)(3) Class Counsel's ("Class Counsel") monthly report regarding third-party entities, the Court issued an Order regarding a matter raised in the report regarding a company called National Processing Alliance Inc. ("NPA" or the "Company"). The Court ordered that Class Counsel provide a proposed Order to Show Cause as well as providing a letter "with any additional information known about this entity and the allegations set forth in the status report, including National Processing Alliance Inc.'s contact information."

Class Counsel and Epiq have conducted additional investigation since the Court's Order and provide the following information.

More than two years ago, Class Counsel was alerted to issues related to the Company. In July 2022, following receipt of a complaint, Class Counsel wrote a detailed letter to the Company addressing multiple problems on websites and solicitations associated with NPA. *See* Ex. 1. A week later, an email was received from the Company's principal (Mr. Fuhrman) detailing some questions and a call was set up. *See* Ex. 2. Following the call, it was believed that the issues raised had been corrected and the problematic materials were removed from public facing websites. A website previously known to be associated with the Company (<https://1tierprocessing.com/>) has information regarding the settlement that contains the disclaimers and a link to the official website. The primary website (<https://npa.global/>), does not appear to have any information regarding the settlement or claims process.

Based on additional review of the 1tierprocessing website, it appears that claims-filing services are offered at no cost, but are used as a way to sell other processing-related services to customers.

Magistrate Judge Joseph A. Marutollo  
July 30, 2024  
Page 2

A review of information in Epiq's possession revealed two additional instances where merchants emailed or called the 800-line with questions or regarding NPA, but none suggested any serious issue and both merchants later signed up with NPA.

In total, as of July 29, 2024, Epiq has received registrations for 144 merchants from NPA in various authorization statuses as follows:

- Withdrawn: 2
- Under Review: 2
- Deficient: 1
- Conflict: 22
- Approved: 117

A review of the two merchants' proof of authorization documents titled Authorization to File Claim state that no fee or payment will be received or charged by NPA and the form contains the Court-ordered disclaimer language.

An additional call was placed with the original complaining class member on July 29, 2024 to follow up. She reported that she was able to contact the person who originally called her and explained that she did not want any representatives from NPA showing up at the business. She reported that she was told that by filing the claim on her own she would be paying a 9.1% surcharge. Class Counsel told the class member that there was no surcharge – or any charge or cost to file her claim directly on the settlement website. A review by Epiq revealed the class member successfully filed her claim on her own.

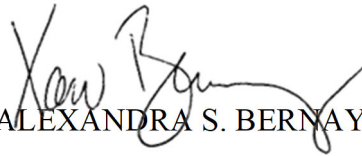
A call to the number that the class member reported receiving calls from had the following message: "Sorry. All agents are busy now. If you are calling regarding the notification about the Visa and Mastercard settlement, please state your name, your business name, case number, if provided, and the best number to reach you. And one of the agents will call you back." It is unknown what the "notification" referred to in the message might refer to.

Magistrate Judge Joseph A. Marutollo  
July 30, 2024  
Page 3

The contact information believed to be accurate is:

National Processing Alliance Inc.  
110 Tower, 17th Floor  
Ft. Lauderdale, FL 33301  
t.furm@4npa.com

Respectfully submitted,



ALEXANDRA S. BERNAY

Exhibits

cc: All Counsel via ECF